

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES EDWARD WALLACE,
Plaintiff,
v.
DEVIN COSPER, et al.,
Defendants.

No. 1:21-cv-01275-KES-EPG
ORDER REGARDING JOINT STATUS
REPORT
(ECF No. 65)

Plaintiff James Edward Wallace proceeds *in forma pauperis* and with counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff's claims that Lemoore Police Department officers Devin Cosper, Tanner Jacques, Jose Ambriz, Daniel Ortega, and Thomas Duvall used excessive force against him in violation of the Fourth Amendment and his claims that these same Defendants denied him adequate medical care in violation of the Fourteenth Amendment. (ECF No. 44).

On March 27, 2024, the Court stayed this case until August 9, 2024, and vacated all dates and deadlines to allow for the resolution of Plaintiff's pending criminal charges related to the underlying incident in this case. (ECF No. 64). The Court directed the parties to file a status report by August 9, 2024, regarding the underlying criminal case and to advise if further scheduling was appropriate at that time.

The parties have now filed their status report, stating as follows: (1) Plaintiff was acquitted in his criminal case; (2) "Plaintiff intends to file a claim for damages for malicious prosecution and other related claims in light of the verdict"; (3) the stay should be lifted; and (4)

1 “[i]n light of the announced intention to pursue additional claims against the named Defendants
2 and/or against others arising from the same incident, the parties suggest that another status
3 conference be scheduled at the court’s discretion in November of this year.” (ECF No. 65).

4 Upon review, IT IS ORDERED as follows:

- 5 1. The stay in this case is lifted. (ECF No. 64).
- 6 2. The Court sets a scheduling conference for September 19, 2024, at 10:30 a.m. For
7 telephonic participation, each party is directed to use the following dial-in number and
8 passcode: 1-888-251-2909; passcode 1024453.
- 9 3. The parties are directed to file a joint scheduling report at least seven (7) days before the
10 conference. **This report should include a proposed deadline for the amendment of the**
11 **pleadings.**

12 IT IS SO ORDERED.

13 Dated: **August 12, 2024**

14 /s/ Eric P. Gray
15 UNITED STATES MAGISTRATE JUDGE
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